IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15987 of 2004

Between:

Dr.R.Vijay Kumar S/o. R.Samuel
R/o. H.No.41-473-43B Saibaba Nagar, Kurnool.

..... PETITIONER

AND

1 NTR University of Health Sciences Represented by its Registrar, Vijayawada.
2 State of A.P. rep by its Secretary to Government Health, Medical and Family Welfare Department, Secretariat, Hyderabad.
3 Dr.r.Sreedhar, S/o. and age not known
c/o.NTR University, rep. by its Registrar, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to to issue a writ order or direction more in the nature of writ of mandamus directing the respondents to admit the petitioner into MDS Course (Prosthetic Dentistry) in Government Dental College and Hospital, Hyderabad by declaring the action of the respondents is illegal, bad and arbitrary.

Counsel for the Petitioner:MR.J.R.MANOHAR RAO

Counsel for the Respondent No.1: DR.Y.PADMAVATHI

Counsel for the Respondent No.2:G.P. FOR MEDICAL & HEALTH

The Court, at the stage of admission, made the following :

ORDER

The stand taken by N.T.R. University of Health Sciences-first respondent herein in the counter affidavit filed in W.P.No.9541 of 2004 that admission of one I. Devanand, the petitioner therein, with rank No.58, hall ticket No.043044 was rejected as he could not produce the required certificate and as no other BC-C candidate was qualified from any University area, the BC-C seat was converted to any BC of AU local area, gave rise to a cause of action for filing the present writ petition by the petitioner, whose candidature for admission of MDS course under BC-C category was rejected.

Petitioner, originally belonged to Scheduled Caste, Category-I, claims to have married a Christian woman, which took place in the Kurnool Church and subsequently converted into Christianity. The Mandal Revenue Officer, Kurnool issued a caste certificate on 15.3.2003 certifying that the petitioner belongs to BC-C category. However, it is admitted by the petitioner that his conversion took place on 3.3.2004 and to that effect, the Kurnool Church has also issued a certificate. Responding to the notification of the first respondent for admission into M.D.S. Course in the government Dental College and Hospital, Hyderabad for the academic year 2004-05, petitioner submitted application under BC-C category in Prosthetic Dentistry.

As per the averments in the counter affidavit in W.P.No.9541 of 2004, the first respondent-University filled up the vacancy of BC-C category by a candidate belonging to BC-D ignoring the claim of the petitioner. It is contended by the learned counsel for the petitioner that during the year 2002 the petitioner applied for the said course under SC-B category since by that time, he had not converted into Christianity. Further, the petitioner obtained revised caste certificate from the Mandal Revenue Officer on 15.5.2004 after his conversion into Baptism, and applied for the course of MDS under the category of BC-C, the first respondent-University without considering his case, filled up the seat with a candidate of BC-D. This writ petition is

filed challenging the said action of the first respondent-University as illegal and arbitrary. The present writ petition is filed on 7.9.2004, whereas the admissions to the MDS Course were closed as early as on 31.5.2004.

Opposing the writ petition, first respondent-University filed a counter affidavit contending that the admissions into the MDS course were processed and completed on 31.5.2004 as per the guidelines issued by the Medical Council of India. It is stated that for the academic year 2004-05 the seat for Orthodontia is reserved for BC-C category. It is further stated that at the time of counselling, they received a complaint that the petitioner, who applied for admission under the category of BC-C, actually belongs to SC-B. On verification of the certificates furnished by the petitioner, the selection committee found that for admission into MDS course for the years 2003-04 and 2004-05, the petitioner produced two different original caste certificates i.e. SC-B and BC-C, respectively, which the petitioner is in possession against the rules, and hence, rejected his candidature. It is further stated that since the case of the petitioner was rejected and as no other BC-C candidate was qualified from any university area, the BC-C seat has been converted to any BC of Andhra University local area since the Osmania University and Sri Venkateshwara University area seats had already been filled up as per rules.

It is not in dispute that when the petitioner appeared for the counselling for the academic year 2003-04 he sought admission for MDS Course under the category of SC-B though the alleged certificate said to have been issued by the Mandal Revenue Officer certifying that he belongs to BC-C is very much available with him as on the date of counselling (15.3.2003) even as per his own averments made in the writ affidavit. Since, now for the academic year 2004-05 as the seat is reserved for the candidate of BC-C category, the petitioner claimed the benefit under the BC-C category by producing the BC-C caste certificate dated 15.3.2003 said to have been issued by the Mandal Revenue Officer. As per his own averments, the petitioner, got Baptised on 3.3.2004 and the certificate issued by the Mandal Revenue Officer is on 15.3.2003. If that be the case, obtaining of caste certificate under BC-C category on 15.3.2003, which was enclosed along with the application for admission into MDS course, itself throws a doubt about the genuineness of the certificate issued by the M.R.O. and the verification made by him, admittedly by the date the certificate was issued, the petitioner has not got Baptised into the Christianity. Even as per the letter addressed by the petitioner to the Selection

Committee, he stated that he got Baptised in the month of March 2004.

Be that as it may, since the admissions were already closed on 31.5.2004 and the present writ petition is filed on 7.9.2004, nearly after lapse of three months, the same cannot be entertained and no relief as such can be granted to the petitioner. I see no ground to entertain this writ petition at this belated stage.

The writ petition is accordingly dismissed. No order as to costs.

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A. GOPAL REDDY. J.

4th November, 2004

tsr.

To

1 The Registrar, NTR University of Health Sciences, Vijayawada.
2 The Secretary to Government, Health, Medical and Family Welfare Department, Secretariat, Hyderabad.

3. Two C.C.s to Government Pleader for Medical & Health, High Court Buildings, Hyderabad.

4. Two C.D. copies.